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09/891,264	06/27/2001	Ludo Gys	Q64971	1632

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Washington, DC 20037-3213

EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

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02/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/891,264

Applicant(s)

GYS, LUDO

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination following a decision from the BPAI. Claims 1-3 and 6-11 are amended. Claims 12-17 are added. Claims 1-17 are presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11.6.2007 has been entered.

Response to Arguments

4> As to claims 1-11, Applicant's amendments do not overcome the prior art rejection as set forth in the final rejection, filed on 7/25/2005. Applicant has amended independent claims 1 and 7-11, replacing the term "containing" with the term "encapsulating." Applicant asserts that that such an amendment will render moot the Board's analysis which relied in part on the dictionary definition of "contain." Applicant believes that "the Board did not consider how the contextual use with e[sic] term 'container' would limit which of the two normal

usages makes sense." However, the Board clearly found that the prior art Yates reference disclosed the "encapsulate" functionality as now claimed by Applicant.

In describing Yates, the Board makes reference to "the policies that are loaded at run-time and are external to the modules provide for the service component that may be *included or encapsulated* in any of the modules" (emphasis added) (Decision on Reconsideration, pg. 5, ¶1). The Board also states that while "the word 'encapsulate' is not explicitly mentioned in Yates, the description of the software module functionality (Yates, col. 3, ll. 5-20) provides for individual building blocks forming the software module or being contained therein" (Decision, pg. 4, ¶3). Thus, the Board concluded that Yates' container encapsulated the service machine as was argued by Applicant. Additionally, Applicant rehashes various other points concerning alleged deficiencies in the Yates reference. The Board has fully addressed Applicant's concerns in both its original decision and the subsequent decision to deny Applicant's request for reconsideration. On the basis of the Board's reasoning as to Applicant's arguments, the rejection of claims 1-11 as set forth in the final rejection, filed on 7/25/2005, are maintained.

To address one of Applicant's points, Applicant disputes that Yates' "code and SIBBs" are not contained within the module and therefore do not read on Applicant's claimed service machine. Applicant asserts that the SIBBs are modules and not something contained within a module. This assertion of course relies on an unfounded presumption that modules cannot contain other modules. It is well known that software programs can contain other blocks of software within it. For example, Yates' compound module contain multiple SIBBs or other modules [column 18 «lines 38-54» where : a compound module containing atomic SIBBs].

Furthermore, Yates expressly discloses that the modules "comprise executable code" [column 2 «lines 60-62»]. Applicant's arguments do not address why Yates' executable code do not read on the claimed service machine.

5> Applicant also introduces new claims 12-17 that are directed to providing one or more of several different network locks where the lock is provided based on at least one of said communication network and said communication means. Yates discloses this feature. Specifically, Yates discloses adaptors that are responsible for providing appropriate interfaces and protocols [column 3 «lines 55-59»]. For example, one particular interface can be provided to a communication means based on whether the communications means has a UNIX or DOS operating system [column 24 «lines 56-61»]. Or a NAP adaptor can provide particular interfaces depending on the user's network access types [column 25 «lines 6-9»].

Claim Rejections - 35 USC § 103

6> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7> Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yates et al, U.S. Patent No. 6,330,586 ["Yates"], in view of Beck et al, U.S. Patent No. 6,604,140 ["Beck"].

8> As to claim 1, Yates discloses a method for providing personal services for a communication means of a user, said communication means being connected to a communication network, the method comprising the steps of:

execution by said service computer of said service machine, said service machine managing the execution of a personal service for said communication means [column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 29 «line 63» to column 30 «line 9» where: Yates' module are analogous to the service container, the module's code and SIBBs are analogous to a service machine];

provision by said service computer of at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for the provision of said personal service [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer]; and

provision of said personal service by execution or by application by said service machine of at least one service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 20-23» | column 17 «lines 33-48» | column 23 «lines 29-41» | column 26 «lines 60-63» | claim 1 where: execution of code in the software module provides the personal service to the terminal in Yates' system] .

Yates does disclose a first service container encapsulating a service machine

available to a service computer [abstract | column 2 «line 66» to column 3 «line 15» | column 15 «lines 17-23» where Yates' modules is analogous to the service container and the code of the module and the SIBBs are analogous to a service machine | see also BPAI's decision on reconsideration, pg. 5, ¶1], but does not specifically disclose transmission of the container by a service server. However, such a feature was well known in the art at the time of Applicant's invention.

For example, Beck discloses a method for providing personal services including transmission by a service server of a first service container to a service computer [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

9> As to claim 2, Yates discloses the method as claimed in claim 1, further comprising the step of: the service computer providing at least one monitor lock for said first service container, and said first service container informing the service server via said monitor lock of a condition of the service computer [column 9 «lines 1-7» | column 15 «lines 8-12» where: Yates discloses notifications are transmitted between objects, one object being the service server, another representing the service computer].

10> As to claim 3, Yates discloses the method as claimed in claim 1, further comprising the steps of: the service computer providing at least one management lock for said first service container, and said first service container sends alarms via said management lock to an operator terminal or a network management system [column 10 «line 64» to column 11 «line 4»].

11> As to claim 4, Yates discloses the method as claimed in claim 1, characterized in that said terminal sends a request for said service to the service server [column 25 «lines 41-61»].

12> As to claim 5, Yates discloses the method as claimed in claim 1, characterized in that it is carried out in an Intelligent Network representing said communication network [column 8 «lines 30-39»].

13> As to claim 6, Yates discloses the method as claimed in claim 1, characterized in that the service container provides the resource lock for said first service container, said resource lock offering to said first service container an application program interface and/or an interface towards a special resource point and/or an interface towards a service program interface [column 3 «lines 37-59» | column 9 «lines 1-7»].

14> As to claim 7, Yates discloses a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service computer comprising network lock means designed such that the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' terminal domain system is comparable in functionality to the service computer]; and

said service computer comprising execution means designed such that the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | column 29 «line 63» to column 30 «line 9» | claim 1].

Yates does disclose a receiving means for the service computer [column 26 «lines 60-63»] but does not specifically disclose said receiving means for receiving of a first service container encapsulating a service machine from a service server. However, such a feature was well known in the art at the time of Applicant's invention.

For example, Beck discloses a service computer comprising a receiving means for receiving of a first service container containing a service machine from a service server [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 1 where: Beck's service code is analogous to a service container, Beck's first device is analogous to a service computer, and second device is analogous to a service server]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

15> As to claim 8, Yates discloses a service computer module for a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service computer module containing program code able to be executed by a control means of the service computer [column 2 «lines 57-65»];

said service computer module comprising network lock means designed such that the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means [column 3 «lines 37-59» | column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

said service computer module comprising execution means designed such that the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [column 2 «lines 57-65» | column 3 «lines 5-15 and 55-59» | column 26 «lines 60-67» | claims 1 and 2].

Yates does disclose a service module and a service container encapsulating a service machine but does not specifically disclose receiving of a first service container from a service server. However, such a feature was well known in the art at the time of Applicant's invention.

For example, Beck discloses a service module comprising receiving means for receiving of a first service container containing a service machine from a service server [claims 1 and 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

16> As to claim 9, Yates discloses a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service server comprising receiving means for receiving a request for a personal service for said communication means [column 25 «lines 38-51»];

said service server comprising provision means for providing at least one first service container [column 26 «lines 60-63» | column 27 «lines 12-31»],

encapsulating a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a service computer, said service component being contained in said first service container or in a second service container [Figure 4 «the items located inside the coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], and

said at least one first service container being adapted to make use of at least one network lock provided by said service computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

Yates does disclose a service server comprising transmission means for transmission of a service to said service computer [column 26 «lines 60-63»] but does not specifically disclose transmitting a service container. However, such a feature was well known in the art at the time of Applicant's invention.

For example, Beck discloses a transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claim 1]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

17> As to claim 10, Yates discloses a service server module for a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service server module containing program code able to be executed by a control means of the service server;

said service server module comprising receiving means for receiving a request for a personal service for said communication means;

said service server module comprising provision means for providing at least one first service container,

encapsulating a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a service computer, said service component being encapsulated in said first service container or in a second service container [Figure 4 «the items located inside the

coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], and

said at least one first service container being adapted to make use of at least one network lock provided by said service computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

Yates does disclose a service server module comprising transmission means for transmission of a service to said service computer [column 4 «lines 14-35» | column 26 «lines 60-63»] but does not specifically disclose transmission of a service container to the service computer. However, such a feature was well known in the art at the time of Applicant's invention.

For example, Beck discloses a service module for transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claims 1 and 66]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

18> As to claim 11, Yates discloses a first service container for providing personal services for a communication means of a user, said communication means, being connected to a communication network,

said first service container containing program code able to be executed by a control means of a service container [column 2 «lines 57-65»];

said first service container encapsulating a service machine able to manage the execution of a personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by said service computer, said service component being contained in said first service container or in a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | claim 1]; and

said first service container being adapted to make use of at least one network lock provided by said service computer and offering to said first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer].

19> As to claims 12-17, Yates discloses said service computer is capable of providing any one or more of several different network locks, with the particular network lock being provided being dependent on at least one of said communication network and said communication means [column 3 «lines 55-63» | column 24 «line 56» to column 25 «line 16» where : Yates discloses adaptors that adjust the interfaces based on the protocols of the communication means].

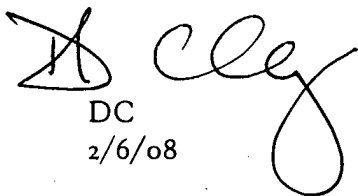
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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